

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

RETAIL ACCESS OPTIMIZATION INITIATIVE

Docket No. N2011-1

**RESPONSE OF THE UNITED STATES POSTAL SERVICE TO
DAVID B. POPKIN MOTION NUMBER 12**
(September 21, 2011)

On September 14, 2011, David B. Popkin filed a motion¹ (Motion) commenting on Library Reference USPS-LR-N2011-1/8. The Motion contends that the Post Office Box usage data contained in Library Reference USPS-LR-N2011-1/8 are not confidential and should not receive non-public treatment. As described below, the Postal Service maintains that the redacted Post Office Box usage data are confidential and entitled to non-public status.

Library References USPS-LR-N2011-1/8 and USPS-LR-N2011-1/NP4 provide Post Office Box usage data in response to Interrogatory PR/USPS-T1-13(f). In Library Reference USPS-LR-N2011-1/8, a public library reference, the confidential data in the “FACILITY_FINANCE” and “POBOX_RENTED_TOTAL” columns have been removed. The Postal Service filed an application for non-public treatment explaining and supporting the provision of these data only under protective conditions—conditions which any qualifying and agreeable participant can satisfy easily.²

¹ David B. Popkin Motion, PRC Docket No. N2011-1 (September 14, 2011).

² Notice of United States Postal Service of Filing Library References USPS-LR-N2011-1/8 and USPS-LR-N2011-1/NP4 and Application for Non-Public Treatment [Errata], PRC Docket No. N2011-1 (September 12, 2011).

The Motion disputes the Postal Service's confidential treatment of Post Office Box usage data, claiming that the data are disclosed publicly by the Postal Service. But the Motion's conclusory argument rests on flawed assertions regarding what the other sources actually provide, and protections built into those sources.

The Motion claims USPS.com allows one to "determine the number of mail pieces required to serve all of the PO Box holders at a given facility" and Melissadata.com as "providing similar information." Motion at 2.

USPS.com does provide a capability to determine the number of P.O. Boxes in use, but that capability is not available to the general public. Rather customers must be business mailers, and the information is available only in connection with a particular product, Every Day Direct Mail (EDDM), a recently introduced product intended to allow use of simplified addresses for saturation mail. Customers must accordingly be authorized Permit mailers, or registered mailers able to provide a "Customer Registration Identification." Various other restrictions also apply. Perhaps more critically, the information allows just one locale to be queried at a time; the information is not available system wide, as it is in some of the library references filed in this docket.

Melissa Data is a third party provider. The Motion makes no claim about the accuracy of its data, and specific information about the source of its data is not apparent on the website. The Motion makes no claim that the Melissa Data website provides the specific data in question here; without any showing of what is available, its mere existence does not warrant making public data that the

Postal Service has consistently protected from public release at the Commission and otherwise.

The disclosure of facility-specific Post Office Box usage data on a facility-by-facility basis is different from the disclosure of facility-specific Post Office Box usage data for a large collection of postal facilities in a single file. And if in fact the websites cited in the Motion offer unrestricted public access to the Post Office Box usage data contained in the Postal Service's library references, Mr. Popkin does not explain why he cannot obtain the information he claims to need without filing the Motion (or following the specific procedures other participants in PRC dockets routinely employ).

Mr. Popkin also cites to an order from PRC Docket No. A2011-18 as supporting public disclosure of system wide P.O. Box usage data. Motion at 2. PRC Docket No. A2011-18 considered data regarding the total number of customers served by a single facility in the context of a final determination to discontinue a station, one that reports to a supervising Post Office. As the Commission is well aware, the number of P.O. Box customers in a Post Office studied for discontinuance pursuant to 39 U.S.C. § 404(d) is routinely made public to customers served by that facility. But in discontinuance studies of subordinate facilities, the applicable procedures did not make such information public—a situation changed by publication of revised regulations found in 39 C.F.R. Pt 241.3 on July 14, 2011. Notwithstanding, that discontinuance context also affects just a single retail facility, not system wide information for P.O. Box customer utilization. The Commission's order directing that the specific number

of such customers for that facility be disclosed publicly simply reflects that specific context.

As the Commission is also well aware, P.O Box service is a product that now exists in both the competitive and market dominant product groups; the existence of competitors for P.O. Box service is accordingly well established; postal management's continued interest in competing in the business of secure delivery to secured and managed delivery receptacles remains high. This interest provides a separate basis for continuing to protect the release of counts of P.O Box customers in respective facilities.

As explained above, the Post Office Box usage data provided in Library Reference USPS-LR-N2011-1/8 are confidential and entitled to non-public treatment. Hence the Motion should be denied.

Respectfully submitted,

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September 21, 2011